Scott. II-48—1,200—28-11-22.

PW (1923) Department.

Record

SERIES.

G.O. No.	519 W 519.
DATED	15-5-23

[Despatch Abstract.]

G.O. 81

Public Works DEPARTMENT.

In future letters, please quote No. 1305 dated 24-2-23 and short title *

Rec'd ..... Enclosures .....

Rec'd ..... Spare-copies .....

Telephone No.
Post Box No.
Telegraphic Address:

Dated 16th February 1923.

AC

SECRETARIAT SECTION
28 FEB 23
CURRENT NUMBER 714

From (Name) M.R.Kharegat Esq., A.M.I.C.E.,
Designation) Superintending Engineer,
(Address) Third Circle, Bellary.

To The Secretary to Government,
P.W.D., Madras.

Sir

Read the following.—Letter No.779 dated 3-2-1923, from F.C.L.Clift Esq., Executive Engineer, Bellary to the Superintending Engineer Third Circle, Bellary:—

I invite a kind reference to G.O.No.260-Judl., dated 20-2-1912 communicated in your endorsement No.2960 dated 30-3-12 under which certain military lands and buildings were taken over conditionally for use of the Police Department: under the orders contained in Memo No.559-1, dated 3-9-21 (copy enclosed) from the Chief Secretary to Government, these lands and buildings were handed back to the Military Department by the Police Department as they were no longer required by that Department.

With reference to condition (ii) laid down in the — Government of India Army Department letter No.4974/1 — (Q.M.G.4) dated 3-8-1911 printed in G.O.No.260 Judl., the following claims were preferred with the concurrence of the Superintendent of Police in my letter No.6806 dated 25-10-22 to General Officer Commanding Madras District.

1. Compensation for amount spent in converting the — military School into quarters for a Sergeant of the — Police. Rs.2,385.

2. Amount spent for the construction of a Compound wall. 700

Rs.3.085.

and I enclose a copy of reply received from that officer No. 2314/6a dated 13-11-22 in the matter.

A copy of this decision was forwarded to the Accountant General, Madras and he has asked me in his No.639 dated 9-1-23 to obtain the orders of Government thereon.

I request you will kindly address Government in the matter

Copy forwarded to the Secretary to Government. P.W.D., Madras for favour of obtaining the orders of Government in the matter.

2. G.O.No.200 Judl., dated 20-2-12 was communicated with Government Memo No.2909-C, dated 21-5-12.

21/2/23

For Superintending Engineer. III Circle

Bellary.

Enclosures.

Copy of letter No.559/5-9-21 from the Chief Secretary to the Government of Madras, Judicial Department to the General Officer Commanding Madras District:--

Old Cavalry Lines at Bellary.

I am directed to invite a reference to G.O.No.200-Judicial dated 20th February 1912 and to request that in accordance with condition (ii) specified in Government of India (Army Department) letter No.49/4/1 (Q.M.G.4), dated 3rd August 1911 arrangements may be made by the Military authorities to take back -- the Military lands and buildings at Bellary from the Police Department as they are no longer required for the use of that Department.

Copy of letter No.2314/6-Q dated 13-11-22 from D.A.Q.M.G., Madras District to the Executive Engineer, Bellary through the

through Bangalore Brigade Area:--

Claim--Compensation lands and buildings handed back by Civil to Military Department.

Reference:--Your No.6866 dated 25-10-22.

I am directed to say that your claim for compensation, assessed at Rs.3,085, is not agreed to.

2. The conversion of the Military School into quarters for a Sergeant was a work carried out, apparently without reference to the Military authorities, for the sole convenience of the Civil Department concerned. The Military value of the building has in no way been enhanced thereby.

It is claimed therefore, that under the terms of Army Department letter No.4974/1 (Q.M.G.4), dated 3-8-1911 the charge cannot, in equity be preferred against military funds.

3. As regards the compound wall. Rs.700, was certainly paid for this item in the first instance. Whilst this property was in Civil occupation however the wall became so -- damaged along the Hutti road by public cartmen that the remaining portions were demolished and the materials were - lately sold by public auction.

4. In the opinion of the Major General Commanding, the proceeds of this sale by auction constitute the sole compensation rightly due to the Civil Department.

5. This sum, the amount of which will shortly be notified to you will be credited to you in due course.

V.S.19.2.

Re – certain military lands & buildings at Bellary

Cf – N 7148 from Mess. S.R. III Circle N. 1305 of 21

D.S.

Submitted

2/ In 1911-12, certain military lands & buildings were taken over for the use of the Police Dept subject to the conditions specified in the Army Dept letter N. 4974 I. (Q M G 4) of 31.11

wp 3–4 ylgs N. 2603 of 21-2-12 (V)

In 1921 the lands & buildings were ordered to be handed back to the military dept – they were no longer required by the Police Dept

on p 3 ylgs flag V

Under condition (11) of the Army Dept's letter referred to above, the Ex. Engr. claimed Compensation from the Military Dept on account of the following alterations & additions carried out to the buildings —

(1) Converting the military school into Quarters for a Sergt. of the Police — Rs 238

(2) Erecting a compound wall — Rs 70

Rs 308

The Military Dept however contend that they were not concerned in regard to the conversion of the buildings into quarters that the conversion was for the sole convenience of the civil dept & that no Compensation can be paid by them on this account

p 3 ylg

p 3 ylgs flag V

According to condition (11) in the Army Dept's letter the question of compensation is to be decided in accordance with the equity of the case There seems to be some force

in the contention of the military dept.
No compensation need perhaps be claimed in this case.
The compound wall connected was
presumably partly damaged i.e. the
building was under the occupation of
the Police Dept & it appears has been
completely demolished by the military
dept. recently, after taking over charge of
the Land & Buildings. The military dept
now propose to credit to Govt funds the
proceeds of the sale of the materials.
In the circumstances the cost of the
Compound wall (Rs 700) cannot it appears,
be claimed in full.

Vide para 3 on p 3 C.L.

p 3 C.L.
(* amount not known)

2/ Before orders are passed on this case,
the remarks of the Judl & Financial
Depts may be invited. cc

MW
8/3/23

The Army Dept appears to be in the right

S.T.J.
29/3

10 MAR 1923
CHIEF SECT.

P.W. No. 714 Acc/23-1
9.3.23.

Judl Dept

Judl Cr. 991 A
3 days time
R.D. 31/3

Judl
Financial

Jud Dept

1/ The question whether Compensation
should be claimed from the Military
Authorities was discussed in the notes to
No. 539 Judl & 3-9-21 and it was

decided on the advice of the Revenue & Finance Dept – vide Mr. Hoyo's note (then Rev. Secy) dt 20-7-20 at p 2 of the Notes & note of Mr. Marr (then Finance Secy) dt 13.8.21 at p 18 of the notes – that Compensation need not be claimed from the Military authorities in respect of the improvements made but there is no need to reconsider that decision now.

16-3-23 17323

Finance Dept

Finance Secy 99/1 16.3.23

Secret 17853/1 20.3.23

Please see the P.W.D and Financial Dept notes above. In which they consider that we need not press the claim for compensation against the Military authorities for certain improvements effected to some buildings at Bellary & now handed back to the Military authorities. Submitted that the Govt may be consulted in and the case returned to P.W.D.

27.6.23

ACCESSION
1 MAY 23
CURRENT NUMBER
1766

ASSISTANT SECRETARY TO GOVT
SECRETARIAT

Secret 1785 B1-1/23 dt 6.5.23 to PWD

2.5.23 3024 S

Secy. 11—1—697 Bks.—24-1-18 (5).

A. / B. / N.P. } (a)

DEPARTMENT.

ORDINARY / ROUTINE SERIES.

† G.O. No. dated 191

CIRCULATED. / NOT CIRCULATED. / NOT SEEN BY C.S.

Receipt numbers	714 A
Number and date of previous proceedings.	

Tabling Abstract.

Railways — Railway Board — Railway Schools — Improvements — Compensation for ... Railway Boys — ... awarded —

(b) **Index Headings.**

MAIN HEADING 359

CROSS REFERENCES.

SPECIAL INDEX.

NOT SPECIAL INDEX.

(a) and (b) not to be filled in for 'Routine' Series.